



## AGENDA ITEM ABSTRACT

Agenda Item No.	Board Meeting Date	Reg./Exec.
2b	9/15/08	Reg.

### Subject

Resolution Approving The Thirteenth Amendment To The Rapid Transit Contract And Assistance Agreement And Authorizing The General Manager To Request Approval Of Said Thirteenth Amendment By The Local Governments

Abstract (Incl A: Purpose, Scope  
Other)

B: Supporting Rationale

C: Impact:Cost. Sched.

### PURPOSE AND SCOPE

The attached resolution will approve the Thirteenth Amendment to the Rapid Transit Contract and Assistance Agreement. The purpose of the amendment is to change the Engineering Report incorporated in the Rapid Transit Contract and Assistance Agreement to include a fixed-guideway transit extension for the I-20 East corridor featuring a segment extending from the Garnett or West End Stations, as appropriate and feasible, to an area in the vicinity of the Mall at Stonecrest in DeKalb County; and to further amend the Engineering Report to include an integrated circulation network with initial segments in or near the Peachtree Street corridor from downtown to Midtown and segments serving the Martin Luther King, Jr. Historic District and Centennial Olympic park; and to further amend the Engineering Report to extend a fixed-guideway transit segment along Marietta Blvd corridor into northwest Atlanta; and to further amend the Engineering Report to include a fixed-guideway transit segment extending along State Route GA400 corridor from I-285 up to Windward Parkway; and to further amend the Engineering Report to include the segment of fixed-guideway transit along the northern section of the I-285 corridor within Fulton and DeKalb Counties; and to further amend the Engineering Report to include an extension of the MARTA northeast heavy rail segment from Doraville to the DeKalb County line as needed to prepare for future system expansion; and to further amend the Engineering Report to include a segment of transit (technology to be determined) extending from the College Park Station to South Fulton via the South Fulton Parkway corridor.

The resolution also authorizes the General Manager to request approval of the proposed thirteenth amendment by the local governments.

### SUPPORTING RATIONALE

MARTA has previously entered in to the Rapid Transit Contract and Assistance Agreement with the City of Atlanta, and Fulton and DeKalb Counties which was approved by referendum on November 9, 1971. Section 4(d) of the Contract recognizes and contemplates that amendments to the contract may from time to time be desirable. The Authority, City of Atlanta, Fulton and DeKalb Counties have previously made twelve amendments to the Contract authorizing changes to the System.

An amendment is necessary to add the following changes to the Engineering Report incorporated within the Contract and to enable the Authority to proceed with all studies and other measures,

including those required by applicable State and Federal laws and regulations to add the I-20 East fixed-guideway transit segment to extend from the Garnett or West End Stations, as appropriate and feasible, to an area in the vicinity of the Mall at Stonecrest in DeKalb County; and to further add an integrated Atlanta circulation network with initial segments in or near the Peachtree Street corridor from downtown to Midtown and segments serving the Martin Luther King, Jr. Historic District and Centennial Olympic park; and to further extend fixed-guideway transit along Marietta Blvd corridor into northwest Atlanta; and to further add a fixed-guideway transit segment extending along the State Route GA400 corridor from I-285 up to Windward Parkway; and to further add a segment of fixed-guideway transit along the northern section of the I-285 corridor within Fulton and DeKalb Counties; and to further add an extension of the MARTA northeast heavy rail segment from Doraville to the DeKalb County line as needed to prepare for future system expansion; and to further add a segment of transit (technology to be determined) extending from the College Park Station to South Fulton via the South Fulton Parkway corridor.

### **IMPACT**

This amendment will enhance the region's rapid transit system.

**RESOLUTION BY THE METROPOLITAN ATLANTA RAPID TRANSIT  
AUTHORITY ADOPTING CONCEPT 3 AS THE CONSENSUS VISION FOR  
TRANSIT INVESTMENT IN THE ATLANTA REGION**

**WHEREAS**, the Transit Planning Board (TPB) was created by joint resolution of the Atlanta Regional Commission (ARC), the Metropolitan Atlanta Rapid Transit Authority (MARTA), and the Georgia Regional Transportation Authority (GRTA) for the express purpose of coordinating regional transit policy and operations; and

**WHEREAS**, the TPB has achieved consensus on a vision for transit investment in the region known as the amended "Concept 3," which is intended to depict the regional transit vision as a system, and

**WHEREAS**, technical analysis of Concept 3 has been completed, showing a positive impact on the region with regard to travel time, safety, and accessibility to and connectivity between major activity centers; and

**WHEREAS**, extensive opportunities for public input have been provided, including individual meetings with stakeholder groups, public hearings throughout the region, an online survey, and other outreach activities; and

**WHEREAS**, MARTA staff, officials and representatives of its local jurisdictional members have participated extensively in the development of Concept 3 and MARTA technical analysis and other proposed changes have been wholesale incorporated into the final version of Concept 3; and

**WHEREAS**, the results of the technical analysis and public outreach activities have been reviewed and incorporated into the development of the final Concept 3 vision; and

**WHEREAS**, the Transit Planning Board has adopted the modified version of Concept 3 as the Consensus Vision for Transit Investment in the Atlanta Region.

*passed one extension  
absent*

**NOW, THEREFORE, BE IT RESOLVED** that the Metropolitan Atlanta Rapid Transit Authority adopts Concept 3, as described in the attached documentation (Exhibits 1A and 1B), as the consensus vision and guiding document for future transit investment in the Atlanta region.

**FURTHER, BE IT RESOLVED** that the Metropolitan Atlanta Rapid Transit Authority will work diligently with all planning and implementation partners to facilitate the construction and operation of Concept 3.

**FURTHER, BE IT RESOLVED** that the Metropolitan Atlanta Rapid Transit Authority requests that all planning and implementation partners in the region incorporate Concept 3 as adopted by TPB into their own transit plans and work collaboratively to support its implementation.

**APPROVED AS TO LEGAL FORM**

*Gydaen M. Davis*  
COUNSEL, Metropolitan Atlanta Rapid Transit Authority

**RESOLUTION APPROVING THE THIRTEENTH AMENDMENT TO THE  
RAPID TRANSIT CONTRACT AND ASSISTANCE AGREEMENT**

*Whereas*, The Metropolitan Atlanta Rapid Transit Authority ( the "Authority") has previously entered into the Rapid Transit Contract and Assistance Agreement (hereinafter the "Contract") with the City of Atlanta and Fulton and DeKalb Counties (hereinafter called the "Local Governments") which was approved by referendum on November 9, 1971, and which incorporates the Engineering Report setting forth and describing the rapid transit system contemplated by the Parties; and

*Whereas*, Section 4(d) of the Contract recognizes and contemplates that amendments to the Contract may from time to time be desirable and makes provision pursuant to Section 5 of the Contract for procedures to effectuate such amendments; and

*Whereas*, The Authority, Atlanta, Fulton, and DeKalb, in accordance with Sections 4(d) and (5) of the Contract, have previously made twelve amendments to the Contract making changes to the System; and

*Whereas*, The Authority's Board of Directors desires to amend the Engineering Report to: include a fixed-guideway transit extension for the I-20 East corridor featuring a segment extending from the Garnett or West End Stations, as appropriate and feasible, to an area in the vicinity of the Mall at Stonecrest in DeKalb County; and to further amend the Engineering Report to include an integrated Atlanta circulation network with initial segments in or near the Peachtree Street corridor from downtown to Midtown and segments serving the Martin Luther King, Jr. Historic District and Centennial Olympic park; and to further amend the Engineering Report to extend a fixed-guideway transit segment along Marietta Blvd corridor into northwest Atlanta; and to further amend the Engineering Report to include a fixed-guideway transit segment extending along State Route GA400 corridor from I-285 up to Woodward Parkway; and to further amend the Engineering Report to include the segment of fixed-guideway transit along the northern section of the I-285 corridor within Fulton and DeKalb Counties; and to further amend

the Engineering Report to include an extension of the MARTA northeast heavy rail segment from Doraville to the DeKalb County line as needed to prepare for future system expansion; and to further amend the Engineering Report to include a segment of transit (technology to be determined) extending from the College Park Station to South Fulton via the South Fulton Parkway corridor.

**Whereas** The Authority's Board of Directors finds that an improved rapid transit system for the metropolitan area will be realized through such an amendment;

**Now, therefore, be it resolved,** by the Authority's Board of Directors that such amendment to the Contract and to the Engineering Report as set forth in the Thirteenth Amendment to the Contract attached hereto and by this reference incorporated herein is hereby adopted and approved;

**Resolved further,** that the Contract and the Engineering Report shall be amended as set forth in the attached Thirteenth Amendment to the Contract upon the concurrence of the Local Governments as provided in the Contract;

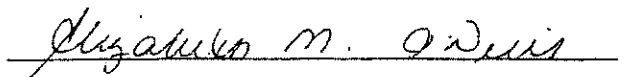
**Resolved further,** that the General Manager/CEO be and she hereby is authorized and instructed to execute on behalf of the Authority a Thirteenth Amendment to the Contract in substantially the form attached hereto; and

**Resolved further,** that the General Manager/CEO be and she hereby is authorized and instructed to request approval of the said Thirteenth Amendment by the Local Governments pursuant to Sections 4(d) and 5 of the Contract; and

**Resolved further,** that the General Manager/CEO be and hereby is instructed to proceed with all studies and other measures, including those required by applicable State and Federal laws and regulations or by the Authority's policies, in order to provide for the addition of the I-20 fixed-guideway transit segment to extend from the Garnett or West End Stations, as appropriate and feasible, to an area in the vicinity of the Mall at

Stonecrest in DeKalb County; and to further add an integrated Atlanta circulation network with initial segments in or near the Peachtree Street corridor from downtown to Midtown and segments serving the Martin Luther King, Jr. Historic District and Centennial Olympic park; and to further extend fixed-guideway transit along the Marietta Blvd corridor into northwest Atlanta; and to further add a fixed-guideway transit segment extending along the State Route GA400 corridor from I-285 up to Windward Parkway; and to further add a segment of fixed-guideway transit along the northern section of the I-285 corridor within Fulton and DeKalb Counties; and to further add an extension of the MARTA northeast heavy rail segment from Doraville to the DeKalb County line as needed to prepare for future system expansion; and to further add a segment of transit (technology to be determined) extending from the College Park Station to South Fulton via the South Fulton Parkway corridor.

**Approved as to legal form**

  
Counsel,  
Metropolitan Atlanta Rapid Transit Authority

## DRAFT

### THIRTEENTH AMENDMENT TO RAPID TRANSIT CONTRACT AND ASSISTANCE AGREEMENT

**THIS AMENDMENT**, made and entered into as of the      day of      , 2008, by, between, and among Fulton County, a political subdivision of the State of Georgia (hereinafter sometimes called "Fulton"), DeKalb County, a political subdivision of the State of Georgia (hereinafter sometimes called "DeKalb"), the City of Atlanta, a municipal corporation of the State of Georgia (hereinafter sometimes called "Atlanta"), and the Metropolitan Atlanta Rapid Transit Authority (hereinafter sometimes called the "Authority"), a public body corporate and a joint instrumentality of Fulton, DeKalb, Clayton County, Gwinnett County, and Atlanta, organized and existing under an Act of the General Assembly of the State of Georgia, approved March 10, 1965, (Ga. L. 1965, p. 2243), said Act having been amended by an Act of the General Assembly approved March 4, 1966, (Ga. L. 1966, p. 3264), by an Act approved March 16, 1971, (Ga. L. 1971, p. 2082), by an Act approved March 16, 1971, (Ga. L. 1971, p. 2092), by an Act approved March 17, 1973, (Ga. L. 1973, p. 141), by an Act approved March 21, 1974, (Ga. L. 1974, p. 2617), by an Act approved March 21, 1974, (Ga. L. 1974p, 2627), by an Act approved February 20, 1976, (Ga. L. 1976, p. 3092), by an Act approved March 24, 1976, (Ga. L. 1976, p. 3098), by an Act approved March 24, 1976, (Ga. L. 1976, p. 3098), by an Act approved March 24, 1976, (Ga. L. 1976, p. 3104), by an Act approved March 31, 1976, (Ga. L. p. 3407, by an Act approved March 23, 1977, (Ga. L. 1977, p. 724), by an Act approved March 30, 1977, (Ga. L. 1977, p. 1211), by an Act approved April 8, 1977, (Ga. L. 1977, p. 1312), by an Act approved April 16, 1979, (Ga. L. 1979, p. 4634), by an Act approved March 27, 1980, (Ga. L. 1980, p. 3831), by an Act approved March 27, 1980, (Ga. L. 1980, p. 4333), by an Act approved April 7, 1981, (Ga. L. 1981, p. 4289), by an Act approved April 20, 1982, (Ga. L. 1982, p. 5101), by an Act approved March 18, 1983, (Ga. L. 1983, p. 764), by an Act approved March 14, 1985, (Ga. L. 1985, p. 3609), by an Act approved March 14, 1986, (Ga. L. 1986, p. 3756), by an Act approved March 20, 1986,



(Ga. L. 1986 p. 4115), by an Act approved January 29, 1988, (Ga. L. 1988, p. 3510), by an Act approved April 11, 1988, (Ga. L. 1988, p. 5013), by an Act approved April 12, 1988, (Ga. L. 1988, p. 5023), by an Act approved March 30, 1989, (Ga. L. 1989, p. 4313), by an Act approved March 13, 1990, (Ga. L. 1990, p. 3860), by an Act approved April 4, 1991 (Ga. L. 1991, p. 4626), by an Act approved April 11, 1991 (Ga. L. 1991, p. 4755), by an Act approved April 11, 1991 (Ga. L. 1991, p. 4761), by an Act approved April 7, 1992 (Ga. L. 1992, p. 5690), by an Act approved April 9, 1993 (Ga. L. 1993, p. 5251), by an Act approved April 8, 1994 (Ga. L. 1994, p. 4952), by an Act approved April 8, 1994 (Ga. L. 1994, p. 4959), by an Act approved April 1, 1996 (Ga. L. 1996, p. 3717), by an Act approved April 8, 1996 (Ga. L. 1996, p. 4314), by an Act approved March 27, 1998 (Ga. L. 1998, p. 3561), by an Act approved April 14, 1998 (Ga. L. 1998, p. 4450), by an Act approved April 19, 2000 (Ga. L. 2000, p. 4492), by an Act approved May 1, 2000 (Ga. L. 2000, p.4567), by an Act approved May 10, 2002 (Ga. L. 2002, p. 5683), by an Act approved May 10, 2002 (Ga. L. 2002, p. 5690), by an Act approved May 10, 2002 (Ga. L. 2002, p. 5698), by an Act approved June 4, 2003 (Ga. L. 2003, p. 4740), by an Act approved April 27, 2006 (Ga. L. 2006, p. 3746), and by an Act approved April 27, 2006 (Ga. L. 2006 p.3751)(hereinafter sometimes referred to as the "Act");

**WITNESSETH THAT:**

*Whereas*, the Authority, Atlanta, Fulton, and DeKalb have previously entered into a Rapid Transit Contract and Assistance Agreement as of the first day of September, 1971 (hereinafter called the "Contract"), which sets forth and delineates the respective duties, obligations, and commitments of the parties hereto to each other with respect to construction, development, and implementation of the Authority's rapid transit system (hereinafter called the "System") and incorporates by reference the Engineering Report dated September, 1971, which embodies preliminary plans and recommendations for the acquisition and construction of the System; and

*Whereas,* The Authority, Atlanta, Fulton, and DeKalb, in accordance with Sections 4(d) and 5 of the Contract, have previously made twelve amendments to the Contract making changes to the System; and

*Whereas,* the Authority, Atlanta, Fulton, and DeKalb desire to amend the Engineering Report to: include a fixed-guideway transit extension for the I-20 East corridor featuring a segment extending from the Garnett or West End Stations, as appropriate and feasible, to an area in the vicinity of the Mall at Stonecrest in DeKalb County; and to further amend the Engineering Report to include an integrated Atlanta circulation network with initial segments in or near the Peachtree Street corridor from downtown to Midtown and segments serving the Martin Luther King, Jr. Historic District and Centennial Olympic park; and to further amend the Engineering Report to extend a fixed-guideway transit segment along Marietta Blvd corridor into northwest Atlanta; and to further amend the Engineering Report to include a fixed-guideway transit segment extending along State Route GA400 corridor from I-285 up to Windward Parkway; and to further amend the Engineering Report to include the segment of fixed-guideway transit along the northern section of the I-285 corridor within Fulton and DeKalb Counties; and to further amend the Engineering Report to include an extension of the MARTA northeast heavy rail segment from Doraville to the DeKalb County line as needed to prepare for future system expansion; and to further amend the Engineering Report to include a segment of transit (technology to be determined) extending from the College Park Station to South Fulton via the South Fulton Parkway corridor; and

*Whereas,* on \_\_\_\_\_, 2008, the Authority adopted the aforesaid changes to the System and amendments to the Engineering Report.; and

*Whereas,* pursuant to Sections 4(d) and 5 of the Contract, approval by Fulton, DeKalb, and Atlanta of the said changes to the Engineering Report was given by appropriate and duly adopted resolutions, by DeKalb on \_\_\_\_\_, 2008, by Fulton on \_\_\_\_\_, 2008, and by Atlanta on \_\_\_\_\_, 2008; and

*Whereas*, pursuant to the said resolutions of approval and in accordance with the desires of the parties, Fulton, DeKalb, Atlanta, and the Authority hereby incorporate, establish, and bind each other to such amendments to the Engineering Report and provide evidence of their mutual agreement thereto:

**NOW THEREFORE**, in consideration of the premises and the undertakings hereinafter set forth, Fulton, DeKalb, Atlanta, and the Authority, each acting by and through its authorized officers, pursuant to a resolution or ordinance duly adopted and properly passed by its governing body, covenant and agree as follows:

*Section 1.* Fulton, DeKalb, Atlanta, and the Authority do hereby amend the Contract and Engineering Report so as to reflect certain substantial deviations from the Engineering Report to include a fixed-guideway transit extension for the I-20 East corridor featuring a segment extending from the Garnett or West End Stations, as appropriate and feasible, to an area in the vicinity of the Mall at Stonecrest in DeKalb County; and to further amend the Engineering Report to include an integrated Atlanta circulation network with initial segments in or near the Peachtree Street corridor from downtown to Midtown and segments serving the Martin Luther King, Jr. Historic District and Centennial Olympic park; and to further amend the Engineering Report to extend a fixed-guideway transit segment along Marietta Blvd corridor into northwest Atlanta; and to further amend the Engineering Report to include a fixed-guideway transit segment extending along State Route GA400 corridor from I-285 up to Windward Parkway; and to further amend the Engineering Report to include the segment of fixed-guideway transit along the northern section of the I-285 corridor within Fulton and DeKalb Counties; and to further amend the Engineering Report to include an extension of the MARTA northeast heavy rail segment from Doraville to the DeKalb County line as needed to prepare for future system expansion; and to further amend the Engineering Report to include a segment of transit (technology to be determined) extending from the College Park Station to South Fulton via the South Fulton Parkway corridor.

It is hereby agreed that such changes constitute substantial deviations from the Engineering Report and, as required by the Contract, have been and hereby are appropriately and duly approved. It is further agreed that the final location and design of such changes in the Engineering Report shall be determined by the Authority in accordance with such approved environmental studies as may be required by State or federal law and regulations.

**Section 2.** The Engineering Report shall be deemed modified to the extent, and only to the extent, as is specifically provided herein. Any specific term or provision herein shall prevail over any inconsistent general or specific term or provision of the Engineering Report.

**Section 3.** The effective date of this amendment to the Contract and Engineering Report is \_\_\_\_\_, 2008, the said amendment having been approved on or before that date by a majority of Fulton, DeKalb, and Atlanta.

**IN WITNESS WHEREOF,** the parties hereto, each acting through its duly authorized officer, have caused this Thirteenth Amendment to the Rapid Transit Contract and Assistance Agreement to be executed in several counterparts, each of which may be considered an original without the presentation of the others, as of the day and year first above written.

*[Signatures are on the following pages. ]*

Approved as to form:

FULTON COUNTY:

\_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Chairman, Board of  
Commissioners

ATTEST:

\_\_\_\_\_  
Clerk

Approved as to form:

DeKALB COUNTY:

\_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Chief Executive Officer

ATTEST:

\_\_\_\_\_  
Clerk, Board of Commissioners

Approved as to form:

CITY of ATLANTA:

\_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form:

METROPOLITAN ATLANTA  
RAPID TRANSIT AUTHORITY:

\_\_\_\_\_  
Counsel

By: \_\_\_\_\_  
General Manager/CEO

ATTEST:

\_\_\_\_\_  
Secretary